



Posted: Friday, March 23, 2018

## NOTICE AND CALL OF THE SECOND REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on  
**WEDNESDAY, MARCH 28, 2018 at 6:00 PM**

In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

### CLOSED SESSION BEGINS AT 5:00PM

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEM
- IV. ADJOURN TO CLOSED SESSION
  - 1. *Public Employee Performance Evaluation and Contract Negotiations for City Manager Pursuant to Government Code Section 54957*
- V. RECONVENE TO OPEN SESSION (6 PM)
- VI. PLEDGE OF ALLEGIANCE
- VII. CLOSED SESSION REPORT
- VIII. APPROVAL OF AGENDA
- IX. ITEMS FROM THE FLOOR
  - (At this time, members of the public may comment on items NOT appearing on the agenda. Individual comments will be limited to 3 minutes or less. Comments should be directed to the Council as a whole and not directed to individual Council Members.)
- X. CONSENT AGENDA
  - 1. Second Reading of Ordinance 2018-01; Amending Section 12.12.030 and 040 of the Trinidad Municipal Code allowing Leashed Dogs on Trinidad Head.
  - 2. View Restoration Request on Van Wycke Street.
- XI. DISCUSSION/ACTION AGENDA ITEMS
  - 1. Discussion/Decision regarding McKinleyville High School request for Town Hall Curfew Extension
  - 2. Verizon Presentation and Reconsideration of Terminating the Trinidad Head Cellular Communication Lease.
- XII. FUTURE AGENDA ITEMS
- XIII. ADJOURNMENT



## CONSENT AGENDA ITEM 1

**SUPPORTING DOCUMENTATION FOLLOWS WITH:      2 PAGES**

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1. Second reading of Ordinance 2018-01; Amending Section 12.12.030 and 040 of the Trinidad Municipal Code allowing Leashed Dogs on Trinidad Head.

## DISCUSSION AGENDA ITEM

Date: Wednesday, March 28, 2018

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**Item:** SECOND READING of Ordinance 2018-01; Amending Section 12.12.030 and 040 of the Trinidad Municipal Code allowing Leashed Dogs on Trinidad Head

**Background:** The second reading of the amended Trinidad Head Ordinance allowing Dogs on Trinidad head Presented for final review and approval.

The first reading was held on February 28, 2018. The amended ordinance was unanimously approved.

**Staff Recommendation:** *Approve and adopt by title the SECOND READING of Ordinance 2018-01; Amending Section 12.12.030 and 040 of the Trinidad Municipal Code allowing Leashed Dogs on Trinidad Head.*

**Attachments:** Ordinance 2018-01



**ORDINANCE NO. 2018-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF TRINIDAD AMENDING SECTION 12.12.030 and 12.12.040 OF THE TRINIDAD MUNICIPAL  
CODE REGARDING DOGS ON TRINIDAD HEAD**

The City Council of the City of Trinidad does hereby ordain as follows:

**Section 1:** Section 12.12.030 of the Trinidad Municipal Code is hereby amended to read as follows:

**12.12.030 Permitted activities.**

Activities allowed on Trinidad Head are:

- A. Only foot traffic is allowable on Trinidad Head.
- B. Leashed Dogs
- C. Weddings and picnics are allowable on Trinidad Head. Persons must remove their own rubbish. For weddings on Trinidad Head, the persons who wish to have a wedding on Trinidad Head must receive permission from the Trinidad city council. No alcoholic beverages allowed at weddings on the Head.
- D. Vehicles will only be allowed on Trinidad Head after receiving permission from the city council for one specified event only and must sign a disclaimer that they will not hold the city responsible for any collision, accident or injury.
- E. The following vehicles are allowed accessibility on Trinidad Head: USCG vehicles, PGE vehicles, USCG personnel living at the USCG housing and any city vehicles and Trinidad Head committee member's vehicles. [Ord. 176 § 6, 1983].

**Section 2:** Section 12.12.040 of the Trinidad Municipal Code is hereby amended to read as follows:

**12.12.040 Restricted activities.**

Activities not allowed on Trinidad Head are:

- A. No private vehicles of any type, except those authorized by TMC 12.12.030;
- B. No horses;
- C. No fireworks of any type;
- D. No rock climbing;
- E. No fires of any type;
- F. No cutting or digging of any plants, brush or wild flowers on Trinidad Head with the exception of the Trinidad Head committee and the city public works department. [Ord. 90-204 § 2(P), 1990; Ord. 176 § 7, 1983].

**Effective Date**

This ordinance shall become effective thirty (30) days after the date of its enactment.

**PASSED, APPROVED, AND ADOPTED** on this 28<sup>th</sup> day of February, 2018, by the following vote:

**Ayes:** West, Ladwig, Rotwein, Baker, Miller  
**Noes:** None  
**Absent:** None

**Attest:**

**Gabriel Adams**  
Trinidad City Clerk

**Chi-Wei Lin**  
Mayor

**Second Reading:** March 28, 2018



## **CONSENT AGENDA ITEM 2**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:      18 PAGES**

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2.      View Restoration Request on Van Wycke Street.

## **CONSENT AGENDA ITEM**

Date: March 28<sup>th</sup> 2018

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**Item:** Letter authorizing vegetation removal in Van Wycke St. right of way

### **3-28-18 Update –**

This item was discussed on Feb 28<sup>th</sup> and the Council elected to hold it for thirty days to allow additional time for public comment, especially from Tribal entities.

The THPOs of the Trinidad Rancheria and the Yurok Tribe as well as the Secretary of the Tsurai Ancestral Society were emailed the agenda packet on 2/27/18 and invited to comment. No comments have been received. That email is attached.

### **2/28/18 Staff report**

#### **Summary and Recommendation:**

Two clumps of alder trees growing in the Van Wycke St. right of way are impacting the view of the upslope neighbors. This area is within the City's Views and Vegetation Ordinance. The neighbors have asked the City to address the view impacts, and offered to pay for the work. The City has requested and received (attached) 1) a survey map verifying the location of the trees on the street right of way, 2) a letter from an engineering geologist stating that removal will have no significant impact on bluff stability, and 3) a biological assessment addressing environmentally sensitive habitat. Only trees that are less than 12 inches in diameter are being authorized for removal. The trees are likely to be removed eventually as part of the Van Wycke Trail project.

City staff, in consultation with Coastal Commission staff, have determined that as conditioned, this vegetation work does not constitute 'major vegetation removal' and therefore does not require a Coastal Development Permit. Staff have drafted a letter to the neighboring property owners (attached) that would authorize them to go ahead with tree removal and trimming, with specific conditions to minimize impacts. This is within staff's discretionary authority, but given the sensitivity of vegetation management and viewshed protection issues, staff chose to place it on consent to provide the public a chance to comment, and to provide the Council the option to consider the matter further.

#### **Staff recommends the Council:**

**Authorize staff to send the attached letter allowing vegetation management for viewshed protection in the Van Wycke Street Right of Way**

Attachments:

1. SHN letter regarding slope stability impacts
2. Survey work map indicating alder locations
3. SHN letter regarding Environmentally Sensitive Habitat Areas
4. Draft City Letter authorizing removal with conditions.

## Trinidad City Clerk

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**From:** Trinidad City Manager <citymanager@trinidad.ca.gov>  
**Sent:** Tuesday, February 27, 2018 4:24 PM  
**To:** Frankie Myers; Rachel Sundberg; Sarah Lindgren-Akana  
**Cc:** Trever Parker; Dan Berman  
**Subject:** Proposed alder tree work on Van Wycke Trail  
**Attachments:** van wycke trees documents.PDF

Dear Frankie, Rachel, and Sarah,

The City is considering allowing the removal and trimming of some alder trees that are growing a little below the Van Wycke Trail, in the area where the trail is officially closed. This is on our agenda for tomorrow eve.

This is not on the Tsurai Study Area, the Trees are located on the public right of way of Van Wycke St – below the failing trail.

This is vegetation maintenance that does not rise to a level that requires a Coastal Permit and full CEQA – but **if anyone wants the option to be present and observe, just let me know.**

The neighbors are asking for this work to be done based on the City's Viewshed and Vegetation Ordinance – which puts the burden on the landowner (the City here) to protect their views. That ordinance does not apply to the Tsurai Study Area, but does apply in this area.

I have attached the staff report materials. – basically we would be allowing the neighbors to hire a tree service to do the work, under City conditions.

The trees would be felled w chain saws and left on the ground. – no heavy equipment work, no soil disturbance, only foot access off the trail.

Let me know if you have questions or concerns.

Best,  
Dan

Daniel Berman  
City Manager  
City of Trinidad  
(707) 677-3876  
(707) 498-4937 mobile  
P. O. Box 390  
Trinidad, CA 95570



## **CONSENT AGENDA ITEM**

Date: Feb 28<sup>th</sup> 2018

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**Item:** Letter authorizing vegetation removal in Van Wycke St. right of way

### **Summary and Recommendation:**

Two clumps of alder trees growing in the Van Wycke St. right of way are impacting the view of the upslope neighbors. This area is within the City's Views and Vegetation Ordinance. The neighbors have asked the City to address the view impacts, and offered to pay for the work. The City has requested and received (attached) 1) a survey map verifying the location of the trees on the street right of way, 2) a letter from an engineering geologist stating that removal will have no significant impact on bluff stability, and 3) a biological assessment addressing environmentally sensitive habitat. Only trees that are less than 12 inches in diameter are being authorized for removal. The trees are likely to be removed eventually as part of the Van Wycke Trail project.

City staff, in consultation with Coastal Commission staff, have determined that as conditioned, this vegetation work does not constitute 'major vegetation removal' and therefore does not require a Coastal Development Permit. Staff have drafted a letter to the neighboring property owners (attached) that would authorize them to go ahead with tree removal and trimming, with specific conditions to minimize impacts. This is within staff's discretionary authority, but given the sensitivity of vegetation management and viewshed protection issues, staff chose to place it on consent to provide the public a chance to comment, and to provide the Council the option to consider the matter further.

### **Staff recommends the Council:**

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**CITY OF TRINIDAD**  
P.O. Box 390  
409 Trinity Street  
Trinidad, CA 95570  
(707) 677-0223

**Susan Rotwein, Mayor**



March 1, 2018

Marc Gottschalk  
(address)

RE: Viewshed Protection and Alder trees

Dear Marc,

Thank you for your patience and cooperation in working with the City regarding the alder trees impacting your views and those of your neighbors. The survey you provided from Mike O'Hern confirms their location on the Van Wycke Street right of way, and the geology letter addresses the slope stability issues we have discussed. A biological assessment was performed to determine what permitting, if any, would be needed to address the viewshed issues.

A Coastal Development Permit (CDP) would be required if the project involves "major vegetation removal." Measures used to evaluate whether a project involves 'major vegetation removal' include: (1) impacts to an 'environmentally sensitive habitat area (ESHA); (2) removal of trees over 12" diameter at breast height (DBH); or (3) removal of vegetation over a ground surface area of more than 500 sq. ft.

Based on all this information, City staff have determined that as long as the project adheres to the recommendations in the biological assessment report (described in more detail below), it would not constitute major vegetation removal and can go ahead without a CDP.

The City of Trinidad, by this letter, is authorizing you to go forward with hiring a professional tree service to work on the two clumps of alders impacting your view, **subject to the following conditions:**

1. An onsite meeting with City staff and the tree service is required prior to the commencement of work to review these conditions and confirm the specific scope of work.
2. No ground disturbance is allowed.
3. All work will be done using hand tools (including chain saws) and vegetation disturbance around the alders shall be minimized.

4. All recommendations of the biological assessment for work on the larger group of alders will be followed, including:
  - a. Trees should be felled away from larger shrubs and native *Rubus* dominated areas.
  - b. Felled trees shall be left in place.
  - c. Large branches that could act as perches after felling shall be removed prior to felling.
5. Only trees smaller than 12" DBH may be removed.
6. Pruning of trees larger than 12" DBH shall not be so severe as to negatively affect their long-term health.
7. The City is not approving access or trespass onto adjacent private property.
8. This approval is specific to the two clumps of alders on the City right of way identified in the O'Hern survey and the SHN geology letter.
9. You reimburse the City for the cost of the Biological Assessment and City Planner time spent on this project.

Consistent with the viewshed and vegetation ordinance, the City will allow you, subject to approval from the City Manager, to conduct annual vegetation work to maintain the views restored through this initial viewshed restoration effort.

Please let me know if you have any questions.

Sincerely,

Daniel Berman  
City Manager



Reference: 017029

June 19, 2017

Rachel Duclos  
Marc Gottschalk  
260 Dedalera Drive  
Portola Valley, CA 94028

**Subject: Evaluation of Potential Impacts to Bluff Stability Due to Removal or Management of Alder Trees, 807 Edwards Avenue, Trinidad, California**

Rachel and Marc:

This letter provides the results of our recent site visit to 807 Edwards Avenue in Trinidad, California. The purpose of our visit was to evaluate the potential impacts to bluff stability that may result from the removal or management of alder trees that are growing on the bluff face along the seaward margin of the subject property. We understand that an ongoing discussion is occurring amongst neighbors regarding the appropriateness of management of the alder trees, some of which are impacting the view shed of homes along Edwards Avenue. The scope of our current investigation included reconnaissance of the site and vicinity, interpretation of relevant aerial photographs, and preparation of this letter.

The alder trees that are the subject of this report are approximately identified on the attached aerial photograph (Attachment A) as the two circled areas at the top right of the image. We understand that the majority of those alders are on land owned by the City of Trinidad (the Van Wycke Street right-of-way) as shown on the attached survey (Attachment B).

The existing coastal bluff bordering the property is an unstable slope that is actively failing onto the adjacent beach. The geology of Trinidad consists of a late Pleistocene age marine terrace surface, upon which the town is built, and the underlying bedrock unit, the regional Franciscan Complex. In the Trinidad area, the Franciscan bedrock consists of tectonic mélange, a highly deformed by-product of millions of years of crustal subduction. The material consists of a chaotic mixture of rootless hard rock blocks (of varying sizes, up to and including Trinidad Head), entrained in a sheared, clayey matrix (locally referred to as "blue goo" due to its very low strength and tendency to deform by means of earthflow). The localized stability of any portion of coastal bluff in the Trinidad area is directly dependant on the presence or absence of rock blocks. That is, in the absence of rock blocks, the mélange material is of very low strength, and is highly susceptible to flow-type failures. This is especially true when the bluff toe is eroded by waves, which typically triggers renewed earthflow movement on the overlying bluff face.

Reconnaissance at the site indicates that the bluff directly seaward of 807 Edwards is actively flowing toward the beach. There is ample evidence on the beach of low strength Franciscan mélange oozing onto the beach at the toes of active earthflows. Alder trees on the slope are being actively transported to the beach, where they topple onto the sand as their modest root balls are

exposed. It is apparent (based on the relations visible on the beach) that the depth of sliding is far greater than the penetration of roots associated with these alder trees. The trees appear to have negligible, if any, effect on the stability of the bluff; they appear just to be rafting along with the flowing ground.

Because of the unstable nature of the ground on the bluff, most of the alder trees are small and relatively young. At the time of our site visit, a small alder had recently toppled over just below the site. The single exception is a larger alder tree just east of the site that is growing on top of a rock block (a relatively stable location on the otherwise unstable bluff face).


The alder trees on the bluff face are associated with shallow roots, and they are growing on a deep-seated earthflow (or in the case of the larger alder, on top of a rock block), therefore they are having a negligible effect on the stability of the bluff. As such, we conclude that management (trimming) or removal of individual alder trees will have a negligible, if any, impact on the bluff. This conclusion applies to trees growing on the bluff face seaward of 807 Edwards Avenue. It does not encompass trees elsewhere on the bluff; specifically near the Fulkerson residence, which is situated on the bluff crest. We have not evaluated trees near the Fulkerson residence on the top of the bluff, but we expect that some of these may be in locations that are relevant to the integrity of the bluff crest.

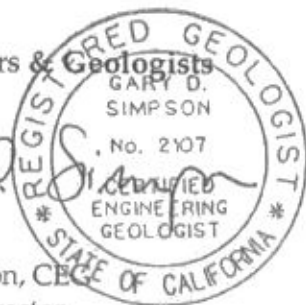
In conclusion, we find no geologic evidence to suggest that removal or management of the alder trees on the bluff face seaward of 807 Edwards Avenue would have any significant impact on the coastal bluff adjacent to the site.

We hope that this letter provides the information that you need at this time. If you have questions, or require clarification of the information presented herein, please call me at 441-8855. We appreciate the opportunity to assist in this important matter.

Respectfully,

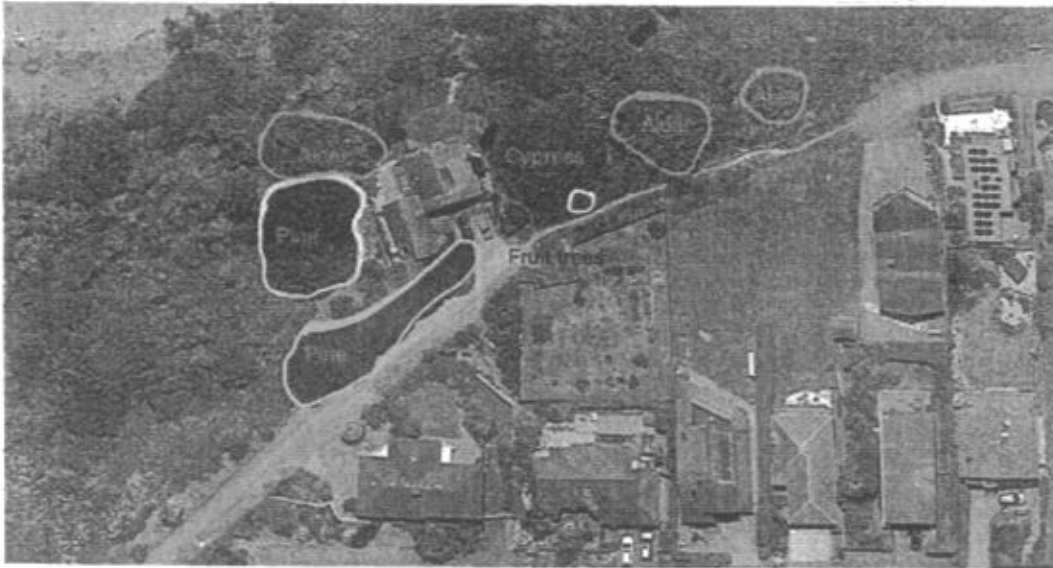
SHN Engineers & Geologists

  
Gary D. Simpson, CEG  
Geosciences Director

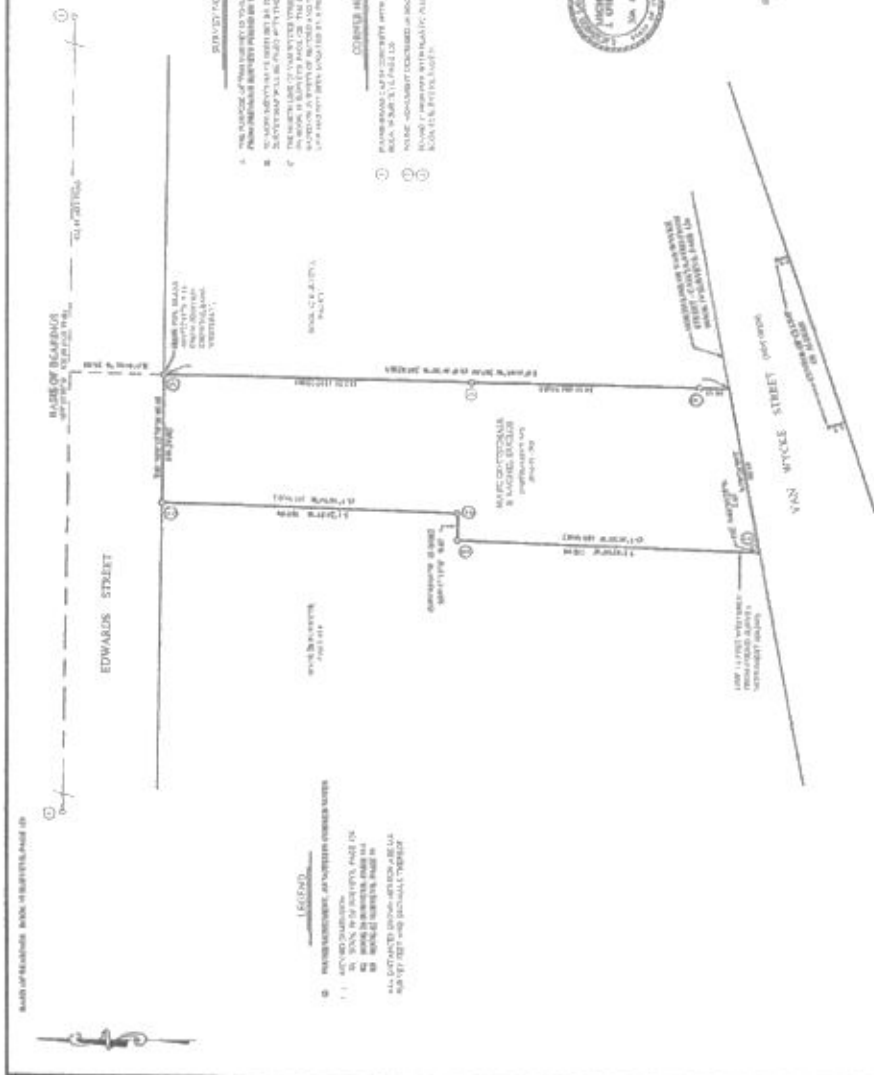


GDS:lms

## ATTACHMENT A



- From Van Wycke St. view easement report prepared by Trinidad Tree Service dated November 16, 2016



## PRELIMINARY

doi:10.1186/1745-6215-10-101

WORKMAP

FOR  
MARC COTTSCALK  
& RACHEL DUCLOS

SECTION 23 & 24 30th WITH HEIGHTS OF ALPHABET  
WITHIN THE LIMITS OF THE CITY OF INDIANAPOLIS

HUMBOLDT COUNTY  
STATE OF CALIFORNIA

ELL V-CHEEN ASSOCIATES  
EUREKA, CALIFORNIA



Reference: 016105.112

January 23, 2018

Daniel Berman, City Manager  
City of Trinidad  
P.O. Box 390  
Trinidad CA, 95570

**Subject: Environmentally Sensitive Habitat Area, and Tree Removal Assessment**

Dear Daniel Berman,

## Introduction

On January 22, 2018 SHN Engineers & Geologists biologist conducted a site visit to assess potential Environmentally Sensitive Habitat Areas (ESHA) within the vicinity of two small groups of red alder (*Alnus rubra*), and potential impacts from their proposed removal. The two groups of red alder trees are located at 723 Van Wycke St., Trinidad, CA, with an approximate latitude/longitude of 41.0577°, -124.1457°. The proposed project consists of the removal of two small groups of red alder for "view restoration" as these groups of trees were determined to be "unreasonably obstructing views" of 12 neighboring properties.

An evaluation of the ESHA surrounding the trees slated for removal, as well as an assessment of the trees being removed is required by the City of Trinidad, as the trees exist within the City's Right Of Way (ROW). The assessment will be used to determine the level of vegetation disturbance and whether the removal of the trees will require a coastal development permit.

## Site Conditions

Evaluation of current site conditions is based on the January 22, 2018 field visit, aerial data (Google Earth, 2016), and A Manual of California Vegetation (Sawyer, 2009) (see Figure 1).

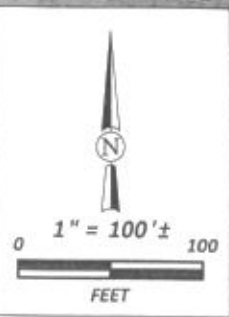
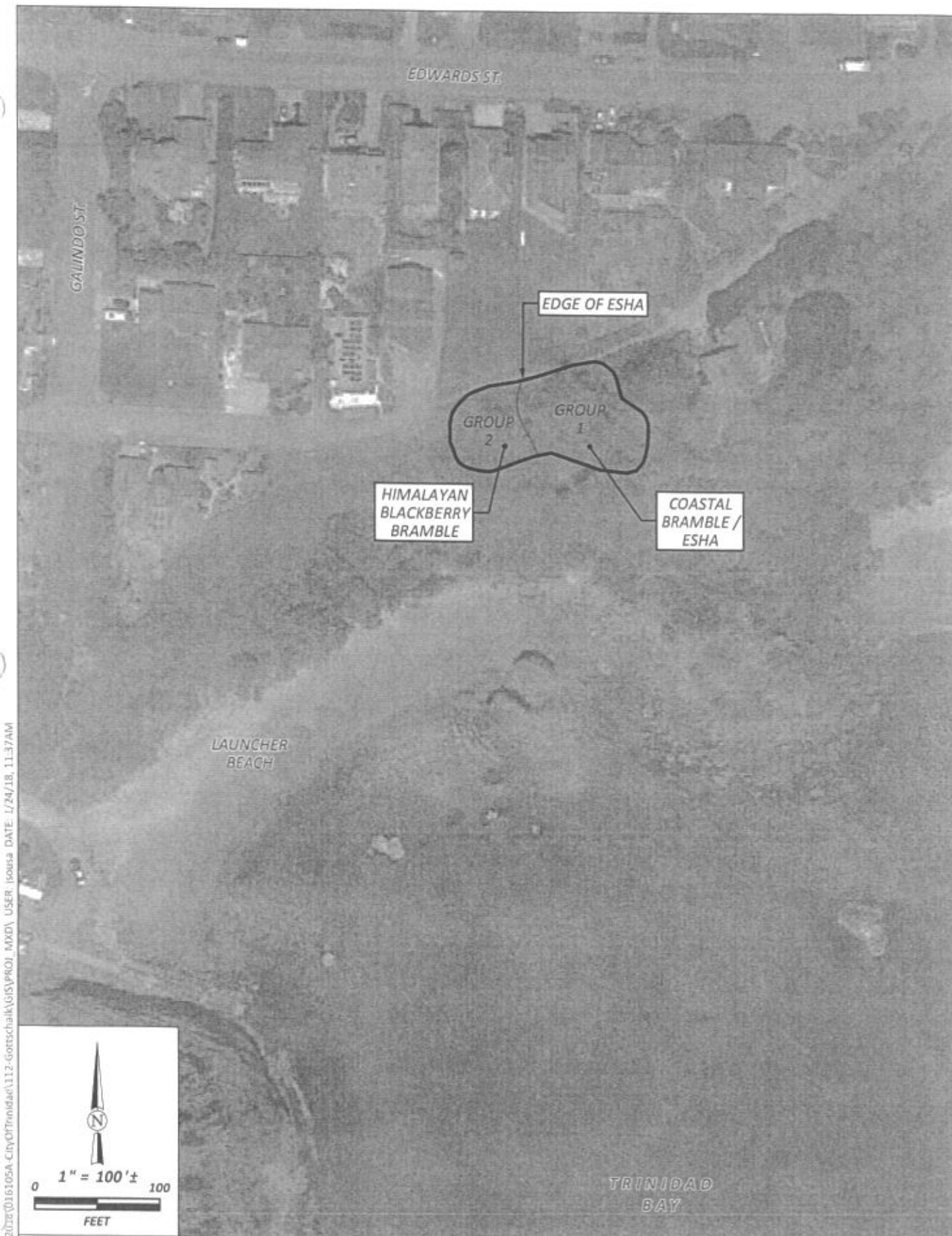
The study area containing the two groups of red alder is located approximately 110 feet from the base of the bluff and edge of the beach, and 15 feet below the top of the bluff slope, the location of the Van Wycke trail. The study area covered approximately 7,254 square feet, which included both groups of trees and a 15-foot buffer around them. The study area is located on a coastal bluff facing south overlooking Trinidad Bay, and is densely vegetated with herbaceous and shrubby plants and scattered wind sculpted trees. The bluff within the study area appeared to be geologically unstable as evidenced by a sinking trail, slump and scarp

**Civil • Environmental • Geotechnical • Surveying**


**Construction Monitoring • Materials Testing**

**Economic Development • Planning & Permitting**





\\arcata\Projects\2018\016105A-CityOfTrinidad\112-Gottschalk\GIS\Map\MXD\ USER: ksousa DATE: 1/24/18, 11:37AM

	City of Trinidad - Gottschalk Van Wyck Tree Removal ESHA Trinidad, California		Study Area  SHN 016105.112  Figure 1
	January 2018	ESHA_Fig1_StudyArea	

formations, and pistoling of red alder trees within the study area. The vegetation composition and results of the site visit are described later in the results section.

The two groups of trees proposed are relatively young to middle-aged, as red alder trees seldom live longer than 100 years in favorable conditions (Niemiec, 1995). Each group of trees appeared to originate from a common root system, with each trunk representing an iteration off of the root system, rather than genetically distinct individuals. Trunk sizes ranged from 4.8 inches diameter at breast Height (DBH) to 14.6 inches DBH in Group 1 (eastern most group), and from 3 inches DBH to 6.1 inches DBH in Group 2 (western group). The two groups of trees appeared healthy and stable at the time of the site visit, with bud swelling evident. The root systems of the trees are not proposed for removal as part of this project, and young red alder (typically less than 10 years old) are known to resprout from intact root systems. Based on the larger size and older age of the trees proposed for removal, it is unlikely that they will resprout following removal.

## Methodology

SHN's biologist conducted a site visit to determine the nature of the habitat and vegetation communities surrounding the trees slated for removal. In addition, the two groups of trees were assessed to determine potential impacts that may arise as a result of their removal. The site visit occurred on Monday, January 22, 2018 over the course of one hour. The study area was traversed, dominant species were recorded, and the trunks slated for removal were measured for the DBH. Vegetation communities and the ESHA they comprise were ascertained following the criteria within the Manual of California Vegetation (Sawyer, 2009) based on dominant vegetation and associates. Impacts of tree removal were based on the size of the trees slated for removal, potential habitat services the trees provide, proximity of other red alders, and whether or not the trees would be removed following cutting, or left on site to rot in place.

## Results

The study area is dominated by two very distinct vegetation communities. Group 1, the larger of the red alder tree groups, occurs within the eastern portion of the study area (see Figure 1). This area is dominated by native vegetation that most closely resembles *Rubus* (*parviflorus*, *spectabilis*, *ursinus*) Shrubland Alliance (Coastal brambles). Coastal brambles are characterized by areas with *Rubus parviflorus*, *Rubus spectabilis*, or *Rubus ursinus* as dominant, or with comparable cover, or by areas where *Rubus spectabilis* has greater than 50 percent relative cover within the shrub canopy. The vegetation community adjacent to and under the canopy of Group 1 met the membership parameters for the coastal bramble vegetation community. The two primary dominant species included *Rubus spectabilis* with 40 percent relative cover in the shrub stratum; and *Rubus ursinus* with 35 percent relative cover in the shrub stratum. See Table 1 for all dominant and lesser dominant species and their corresponding percent relative cover and stratum. The coastal bramble vegetation community is considered an important vegetation alliance of the coastal scrub habitat type. Due to its limited cover and occurrence, the coastal bramble vegetation community has a rarity ranking of G4/S3, meaning it is common worldwide, but is somewhat uncommon within the state of California, and is considered ESHA.

Group 2 occurs within the western portion of the study area, approximately 68 feet to the west of Group 1, with approximately 25 feet between the edges of the two group canopies (see Figure 1). The area surrounding Group 2 is dominated by non-native species. This includes Himalayan blackberry (*Rubus armeniacus*) with 65 percent relative cover, and common nasturtium (*Nasturtium officinale*) with 32 percent relative cover. Additional cover was exhibited by non-native species. See Table 1 for all dominant and lesser dominant species and their corresponding percent relative cover and stratum. Non-native species exhibited overwhelming dominance within the vicinity of Group 2, to the exclusion of most native species. Because of the overwhelming presence of non-native species and the high percent relative cover by Himalayan blackberry, the area surrounding Group 2 is not ESHA, and more closely resembles *Rubus armeniacus* Semi-natural Shrubland Stands (Himalayan blackberry brambles). Coastal bluff dominated by Himalayan blackberry represents an opportunity for restoration, as the presence of this species and other non-native species precludes the existence of Special Status Species (SSC) dependent on coastal bluff scrub habitat not available when choked by Himalayan blackberry brambles.

The vegetation community changes from along the eastern edge of the Group 2 red alder canopy. This area marks an abrupt change from Himalayan blackberry brambles to native Coastal scrub (See Figure 1). To the west of this location, Himalayan blackberry brambles extend from the top of slope, adjacent to the Van Wycke trail, to the edge of the bluff cliff, and westward at least 100 feet (not investigated beyond that point). The native coastal brambles extend approximately 150 feet east to a break in slope dominated by a rocky outcrop.

Table 1: Species Dominance		
Stratum	Species	Percent Relative Cover
<b>Group 1</b>		
<b>Shrub Stratum</b>	<i>Rubus spectabilis</i> (Salmonberry)	40%
	<i>Rubus ursinus</i> (California blackberry)	35%
	<i>Sambucus racemosa</i> (red elderberry)	15%
<b>Tree Stratum</b>	<i>Alnus rubra</i> (red alder)	40%
<b>Herb Stratum</b>	<i>Urtica dioica</i> (stinging nettle)	50%
	<i>Hedera helix</i> (English ivy)	21%
	<i>Vinca major</i> (Vinca)	18%
	<i>Polystichum munitum</i> (sword fern)	12%
	<i>Scrophularia californica</i> (bee plant)	5%
	<i>Heracleum maxima</i> (cow parsley)	3%
<b>Group 2</b>		
<b>Shrub Stratum</b>	<i>Rubus armeniacus</i> (Himalayan blackberry)	65%
<b>Tree Stratum</b>	<i>Alnus rubra</i> (red alder)	30%
<b>Herb stratum</b>	<i>Nasturtium officinale</i> (common nasturtium)	32%
	<i>Crocsmia x crocosmiiflora</i>	5%
	<i>Urtica dioica</i> (stinging nettle)	3%
	<i>Polystichum munitum</i> (sword fern)	1%



**Photo 1:** Red alder Group 1 (center of photo), looking north and upslope toward the top of bank. Note High percent relative cover by *Rubus spectabilis* (upright canes without leaves) and *Rubus ursinus* (decumbent, spreading with leaves) within the vicinity of Group 1.

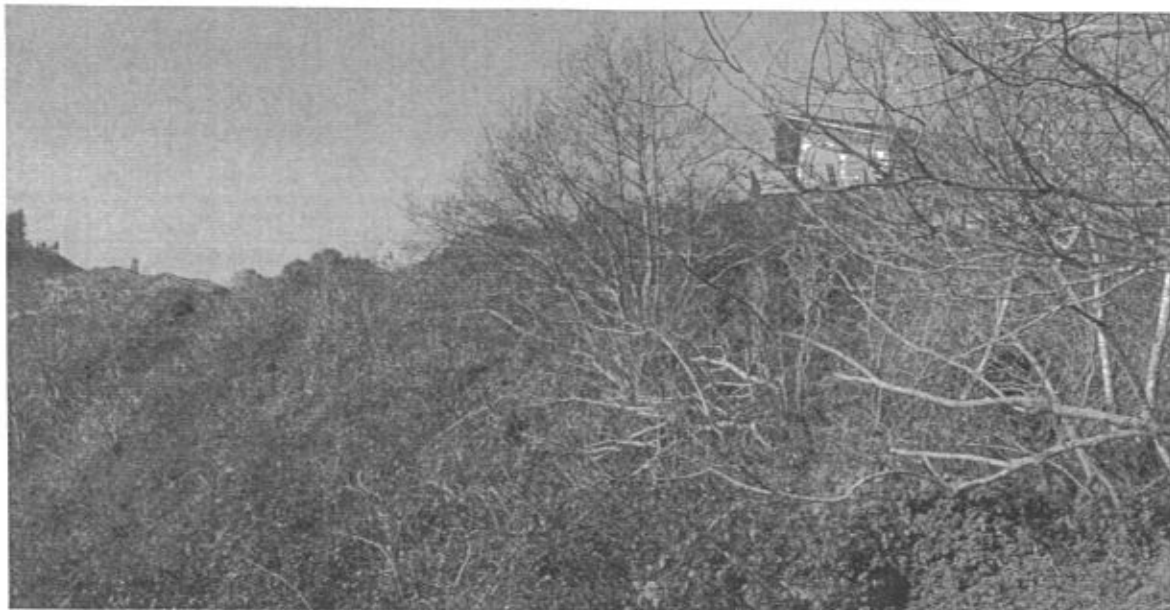


**Photo 2:** Red alder Group 2 (on left hand side of photo), looking west. Note high percentage of non-native and invasive species, with nasturtium and Montebretia under the canopy, and Himalayan blackberry brambles beyond.





**Photo 3:** Looking east from red alder Group 2 toward red alder Group 1 (in center of photo, at a distance). Note the change in dominance from Himalayan blackberry (spreading leafy canes) to native coastal brambles (leafless, upright canes) within the center of the photo.



**Photo 4:** Study area looking northwest toward red alder Group 2 (Group 1 is just to the right of the photo). Note Himalayan blackberry bramble surrounding Group 2, with nasturtium and montebrtia (bright green).



**Photo 5:** Red alder Group 2 (left side of the photo), looking southeast, and downslope. Note dense Himalayan blackberry bramble to the edge of the bluff, with a change in vegetation dominance demarcated by the yellow line.

## Conclusions

Two groups of red alder trees are proposed to be removed for view restoration. ESHA was observed within the vicinity of Group 1 with the area dominated by coastal bramble vegetation community (see Figure 1). It is likely that the removal of the red alder Group 1 will impact ESHA; however, impacts can be greatly reduced by limiting the work done within the ESHA. This could include leaving the trees where they fall after being cut, to avoid unnecessary disturbance incurred during removal of material. Red alder decays very quickly, and leaving the material could more closely mimic natural conditions. Trees should be intentionally felled away from shrubs and well developed native *Rubus* dominated areas. The proximity of the Group 1 trees to Himalayan blackberry brambles makes it likely that felled trees could act as a point of further invasion by non-native species. This is due to the fact that natural vegetation will be disturbed and an opening will be created. This is exacerbated by birds using felled trees as perches and depositing Himalayan blackberry seeds within the opening. The potential for Himalayan blackberry encroachment can be reduced by cutting any elevated branches that could inhibit re-growth of natural vegetation or could act as a perch.

Any tree over 12 inches DBH is considered major vegetation. Trinidad's Local Coastal Program (LCP) requires approval of a use permit for the removal of trees over 12 inches DBH in most zones. Group 1 contains three tree trunks over 12 inches DBH. This includes 14.6 inches DBH, 14.5 DBH. And 12.3 inches DBH. To further reduce impacts these trees could be left and selectively pruned for windowing and crown reduction. This would avoid impacts to significant trees, and would limit the amount of debris and impact to the ESHA, and would not result in an overall reduction in the quality of the habitat surrounding Group 1.

Group 2 is not within an ESHA, and the removal of the trees would not impact ESHA. Currently Group 2 is surrounded by Himalayan blackberry brambles and other non-native vegetation. The removal of these trees would not impact the dominance of the area by non-native and invasive species. Trees could be left where they fall to create a break in the Himalayan blackberry bramble, although it is likely the opening would be completely closed within one growing season. Group 2 does not have any trees with a DBH over 12 inches, therefore the removal of these trees is not considered major vegetation removal, and will not result in impacts to ESHA.

Please do not hesitate to call me at (707) 822-5785 should any questions arise.

Respectfully submitted,

**SHN Engineers & Geologists**



Joseph Saler  
Botanist

JLS:ceg

## References Cited

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## DISCUSSION AGENDA ITEM 1

**SUPPORTING DOCUMENTATION FOLLOWS WITH:      7 PAGES**

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1. Discussion/Decision regarding McKinleyville High School request for Town Hall Curfew Extension



## DISCUSSION AGENDA ITEM

Wednesday, March 28, 2018

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**Item:** Discussion/Decision regarding McKinleyville High School request for Town Hall Curfew Extension

McKinleyville High School Prom Committee selected the Trinidad Town Hall as their preferred venue for the 2018 Formal Dance to be held on Saturday, May 19, 2018. The event profile meets all the criteria established in the City's policy with regard to the nature of the event, capacity, insurance requirements, and all the rules listed in the Town Hall Rental agreement.

Senior Class Advisor Taylor LeBlanc and a few students attended the Council meeting on March 14 to introduce themselves and to thank the City for hosting their event. She acknowledged that some of the town residents have concerns about traffic and noise issues, and explained the procedures implemented by parent volunteers to ensure the safety and well-being of the students.

LeBlanc noted that as a key measure to the student safety protocol, they prefer (and request) a midnight curfew. Staff does not have the authority to extend the curfew, but the Council may elect to extend it under certain circumstances like this.

The current rental policy for the City states that **"Amplified Music must end at 11:00pm"**, and **"all events must end at 11:30pm"**, and it also makes an exception for New Year's Eve celebrations.

This public hearing will allow the McKinleyville High School representatives the opportunity to make their case to the Council. The Council will have the opportunity to receive public comment, to ask questions, approve or deny the request, or conditionally approve. Some possible conditions could include:

- Set precise time that amplified music must end - which may differ from the event end time.
- Close all south and west facing doors after 11pm.
- Minimize outside disturbances during clean-up and post event.
- Minimizing alley use for vehicle traffic at the close of the event.

Staff does not feel this is a precedent setting matter because it's unlikely that any typical event will be able to make public safety a reason for an extended curfew. This is a very unique and appropriate request.

**Recommended Action:** No recommendations from Staff.

**Attachments:** - Public comments from McK. High representative, Taylor LeBlanc  
- Town Hall Rental Agreement

Hi, my name is Taylor LeBlanc and I am the senior class advisor over at McKinleyville High School. I've come along with a few of my fantastic students (let them introduce themselves). We are thrilled about the opportunity we have to host this year's prom at Trinidad Town Hall on May 19. We have been in contact with Gabe at the town hall and understand that there has been some conflict in the past regarding town hall events. We are here to explain our school's procedures for dances in hopes to quell some of these concerns. I'm sure you all have fond memories of your prom, and I'm hoping to create the same experience for my deserving students. Our staff has multiple procedures in place to ensure positive student behavior at these events. Student safety is always our utmost concern. As such, school dances require at least six staff chaperones, an administrator, and a counselor, whose tasks range from guarding entry and exit points to ensure that students are accounted for at all times, patrolling the outside of the building, and breathalyzing each student. I've attended at least ten school dances in my four years of teaching, and only once can I recall the need for a discipline issue. Fancy dances such as prom are the culmination of months of anticipation for our students, hours spent getting ready, not to mention the money spent on hair, nails, tux rentals, dresses, flowers, and dinner. Students take these events very seriously, and as a result, they come to the dances on their very best behavior. I anticipate that the only issue that should impact the immediate neighbors to the town hall will be the loud music. We have already contacted Trinidad Elementary and reserved their parking lot, and so while parent drop-offs may clog traffic briefly around 9 pm, I do not anticipate parking being an issue. Typically, our dances run from 9 pm-12 pm. I understand that the town's curfew is at 11 pm. Our justification for the time is that we have found that with earlier ending times, it only allows students time to leave and party afterwards. By ending later, we have found that this curtails that opportunity. Students are safer and well-behaved when they're inside the doors in their fancy outfits dancing the night away. While it is of course not our intention to cause any Trinidad citizens a sleepless night, I'd love to propose considering an extension to the curfew on the agenda for your next meeting, and I'm hoping that we'll be able to prove our student safety procedures as effective. My students would love the opportunity to make such a wonderful, lifelong memory in your beautiful town and we hope that you'll help to make that happen.

## TRINIDAD TOWN HALL

409 Trinity Street, Trinidad, CA 95570 Mailing Address: P.O. Box 390, Trinidad, CA 95570  
Website: [www.trinidad.ca.gov](http://www.trinidad.ca.gov) Email: [cityclerk@trinidad.ca.gov](mailto:cityclerk@trinidad.ca.gov)  
Phone: 707-677-0223 / Fax 707-677-3759



### TRINIDAD TOWN HALL RENTAL APPLICATION

**Instructions:** A completed rental agreement and security/clean-up/damage deposit received by the Trinidad City Clerk will confirm your reservation. If the Clerk has not received your rental agreement and security/clean-up/damage deposit by 30 days prior to your event, you may lose your reserved date and fees paid and it may become available & scheduled with another renter. Proof or purchase of liability insurance is required prior to your event.

**TODAY'S DATE:** \_\_\_\_\_ **DATE OF EVENT:** \_\_\_\_\_

**TYPE OF EVENT:** \_\_\_\_\_

**ESTIMATED TOTAL ATTENDANCE:** \_\_\_\_\_ **EVENT TIME:** \_\_\_\_\_

**HOURS REQUESTED** (including set-up time): \_\_\_\_\_

**AGE RANGE OF THOSE ATTENDING:** \_\_\_\_\_

**CONTACT PERSON:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

**ALTERNATE CONTACT PERSON:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

**FOOD SERVED:** yes / no **ALCOHOL SERVED:** yes / no **ADMISSION CHARGED:** yes / no

**FOOD SOLD:** yes / no **ALCOHOL BY DONATION:** yes / no **ADMISSION CHARGE:** \_\_\_\_\_

**Non-Profit ID. #:** \_\_\_\_\_ **Proceeds will be used for:** \_\_\_\_\_

*I acknowledge that, acting as the Renter or Agent of the Renter, I have read, understand and agree to adhere to the terms of this Rental Application.*

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Rental Fee Paid:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Insurance Paid:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Deposit Paid:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Garbage Paid:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Cleaning Paid:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Town Hall Maintenance Fund (20% surcharge)**

**Total Rental Fees Owed:** \_\_\_\_\_

**City Official:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## TOWN HALL & SAUNDERS PARK RENTAL RATE WORKSHEET

**Special Event:**

All day, High Risk, High Impact Uses such as:

Weddings & Receptions, Birthday Parties, Concerts, Exhibits, Amplified Concerts, Parties, Fund Raisers, Crab feeds, Memorials etc. with more than 50 people attending, lasting more than 6 hours; WITH OR WITHOUT ALCOHOL.

**\$200.00/day + (\$20/hr event host with alcohol)**

**Total Hours:** \_\_\_\_\_

**Total Fee:** \_\_\_\_\_

**Local Event:**

Small, low impact, minimal set-up events such as:

Kids birthday parties, Mellow acoustic concerts, brief gatherings, choirs, rehearsals, recitals, theater performances, tea parties, etc. with less than 50 people attending, lasting less than 4 hours; NO ALCOHOL.

**\$25/hr**

**Total Hours:** \_\_\_\_\_

**Total Fee:** \_\_\_\_\_

**Community Groups & Governments:**

Depending on the type of event proposed and subsequent risks and impacts associated with each event, community groups and Federal, State or Local Governments may be entitled to the use of the Town Hall free-of-charge at the discretion of the City Clerk. Such community groups include, but are not limited to: Chamber of Commerce, Trinidad Civic Club, Lions Club, Garden Club, Museum Society, Library Committee, etc.

**Free**

**Total Hours:** \_\_\_\_\_

**Total Fee:** \_\_\_\_\_

**Saunders Park**

Available to reserve for weddings, ceremonies, parties, etc.

**Community Groups & Government: Free**

**Local Event \$250/day**

**Total Fee:** \_\_\_\_\_

**Town Hall  
Maintenance Fund**

A 20% surcharge on total direct rental fees (i.e. not including security/clean-up/damage deposit) to cover City indirect costs (i.e., utilities, regular repairs, custodial, capital improvements, staff costs and insurance/risk management.

**Subtotal All Fees from Above:** \_\_\_\_\_ **Surcharge Fee:** \_\_\_\_\_

**Security/Clean-Up/Damage Deposit:**

Refundable once check list is completed from City staff and the facility is found to be left in the same condition it was rented in. If damages exceed deposit, renter will be charged for remaining amount. Deposit will not be returned if rental is cancelled within one week of reservation.

**\$300.00/event**

**Total Deposit:** \_\_\_\_\_

**TOTAL COST- FEES (including surcharge) + DEPOSIT:** \_\_\_\_\_

*Tenant should recognize and understand that rental of this facility may create a possessory interest subject to property and taxation and that the renter may be subject to the payment of property taxes levied on such interest. This tax is administered by the Humboldt County Assessors office. All questions regarding this process should be directed to the Assessors office at 445-7410.*

## **TRINIDAD TOWN HALL RENTAL AGREEMENT**

Welcome to Trinidad Town Hall. We recognize that an active community center which is located in the middle of a residential neighborhood may have certain associated impacts, not the least of which could include additional traffic, litter, noise and parking. Town Hall is surrounded by a school and private homes. Your cooperation is required for us to continue to maintain a good relationship with our neighbors, and to help you to have a successful event.

### **RENTAL TERMS:**

1. Renter and /or Contracting Individual, whose signature below verifies receipt and understands and agrees to comply with all the terms and conditions of the rental package, which consists of all rental agreement terms and the rules and regulations governing the use of facility including the decorating and cleaning of Town Hall.
2. **Fees:** See attached Fee Schedule.
3. **Canceling an event: Notify the City Clerk immediately at the number above if your event is canceled. *If event is canceled within one week of the scheduled date, the security/ clean-up/damage deposit will be forfeited.***
4. **General Use Policies:** This is a recently renovated building requiring care and consideration:
  - a. **Town Hall/Stage Floors:** To avoid damage to floor and furniture, do not drop, force, roll or drag furniture across stage or floor area.
  - b. **Decorations and Clean-up:** Follow the guidelines attached.
  - c. **Animals:** No animals are allowed in the building.
  - d. **Litter:** Monitors provided by the Renter will insure that all litter generated by the event (paper, glass, cigarette butts, etc.) is removed from around the Town Hall building, adjacent driveway and parking areas, including the Trinidad School parking lot.
  - e. **Parking:** Park along Main and Trinity Streets or in the Trinidad School parking lot when school is not in session.
  - f. **Handicapped Parking:** No parking is allowed in designated handicapped parking spaces unless the required placard is properly displayed.
  - g. **Trinidad School Parking:** (across from Town Hall) Parking is allowed in school parking lot when school is **NOT** in session. Trinidad School Hours are Monday through Friday from 9:00 A.M. – 5:00 P.M.
  - h. **Fire Department Parking:** No Parking is allowed in fire lanes or designated Fire Department spaces.
  - i. **Curfew:** All events, with the exception of a New Year's Eve celebration, **must end at 11:30pm.**
  - j. **Amplified Music:** Music must end at 11:00pm. If the volume of your event is such that it impacts neighbors, it is too loud and local law enforcement may be called.
  - k. **Litter and Damages Impacting Neighboring Properties:** The Renter is responsible for all impacts to the neighbors and their property resulting from the misconduct of any person or persons attending the event. Any additional costs for litter clean-up or damage to neighboring property will be taken out of the Renter's security deposit and may be used to compensate impacted neighbors. A claim may be filed with the Renter's insurance carrier to cover their loss. Substantial property damage to private property as a result of this event will be brought to the attention of the Renter first for compensation, and a claim will be filed with the insurance company, if appropriate.
5. **Emergencies: Call 911.**
6. **Smoking & Drugs:** Trinidad Town Hall is a Tobacco-Free and Smoke-Free environment.
  - a. NO SMOKING or burning of any substances (smudging, herbs, etc.) is allowed anywhere inside the Town Hall, or within 10 feet of any of the entrance doors.
  - b. The use of any prohibited substance on City of Trinidad property will forfeit the security deposit and also void the Renter's insurance policy.
7. **Alcoholic Beverages:**
  - a. YOU ARE RESPONSIBLE FOR ANY ALCOHOL SERVED OR CONSUMED AND TO OVERSEE THAT ATTENDEES ACT RESPONSIBLY.
  - b. Insurance coverage for the consumption of alcoholic beverages for public events must be listed on the Certificate of Insurance.
  - c. Alcoholic Beverage Control (ABC): A permit is required when alcoholic beverages are sold. It is issued by this state office and a confirmation letter from Trinidad to ABC will be issued.
8. **Other Prohibited Activities include:**

- a. Illegal activities as defined by City or County ordinance(s) and State or Federal law(s).
- b. There is to be no alteration of Hall furniture, bulletin boards, office furnishings, or landscaping without the expressed written permission of the City Clerk.
- c. No outdoor signage is allowed without prior arrangement with the City Clerk.

**9. Fire and Safety:**

- a. No barbeques, candles, propane lamps or fires of any kind are allowed without the expressed written permission of the City Clerk.
- b. All hot charcoals must be thoroughly doused with water before they are disposed of.
- c. Fire emergency exits must remain unblocked at all times.

**10. Insurance:**

- a. User will procure and maintain in force a policy of comprehensive public liability insurance, including other property damage and personal injury, with a combined single limit of no less than \$1,000,000. The Town Hall will be named as additionally insured with respect to such coverage, and shall be provided with a Certificate of Insurance. A Certificate of Insurance must be received by the City of Trinidad prior to receiving the keys to the facility if insurance is not purchased through the City Clerk's office.
- b. Each of the provisions and terms of this agreement shall bind and insure to the benefit of the heirs, successors, representatives and assigns of each of the parties. If legal action be brought to enforce any term of this agreement, or because of any breach of any term of this agreement by any party hereto, the party that prevails in such action or litigation shall be entitled to recover a reasonable attorney's fee in addition to all other damages and costs.
- c. If alcohol is to be served at a public event, it must be specifically covered on the Certificate of Insurance.
- d. For an additional fee, the Clerk's office can provide a Certificate of Insurance to the renter through a contract with Alliant Insurance. Special Events Insurance Coverage calculated based on event and attendance. Please contact the City Clerk at 707-677-0223 for more information.
- e. Organizations with insurance must provide valid certificate.

**11. The City of Trinidad reserves the right to refuse the rental of its facility to anyone. The City further reserves the right to close down or cancel any event with just cause that it deems to be contrary to the general interests of the community or the City of Trinidad.**

**12. Responsibilities:**

- a. **Hold Harmless Agreement:** The undersigned contracting individual and or organization agrees to hold the City of Trinidad, its agents, servants, employees and members, free and harmless from any and all claims, demands, damages, costs, expenses, loss of services, action and causes of action and or liabilities for damages to property, or for injuries to any person in any way arising out of, related to, or connected with the users rental of the equipment and or premises.
- b. The Renter is held responsible for the negative impacts or illegal activities during the use of the Town Hall upon the neighborhood. If the Renter fails to comply with the terms of this policy, law enforcement authorities may be called to respond to safety, drug and alcohol, traffic and parking concerns, etc. If you have any other questions you may contact the City Clerk.
- c. Violation of any of the Town Hall policies may be cause for forfeiture of all or part of the security deposit. The City Clerk will deduct from the security deposit such amount as is deemed reasonably necessary a) to clean and return the premises to a neat, clean and orderly condition, and b) repair or replace property that is broken, defaced or stolen.
- d. The undersigned, acting as representative of the organization or individual entering into this agreement; certifies that the above information is correct, agrees to pay the required fees in full prior to the event, and assumes full personal and financial responsibility for any damages sustained to the building, grounds, furniture or equipment not covered by the Security Deposit due to misuse, vandalism or misconduct of any person or persons on the premises at the time of the event.

**ACTING AS REPRESENTATIVE, I HAVE READ THIS AGREEMENT (and other components of complete rental package), UNDERSTAND AND AGREE TO THE USE POLICIES AND AM RESPONSIBLE FOR THE RENTAL OF TRINIDAD TOWN HALL.**

Renter: \_\_\_\_\_  
Contracting Individual/Organization Representative

Date: \_\_\_\_\_

ACCEPTED AND RECEIVED BY:

City of Trinidad: \_\_\_\_\_  
City Official

Date: \_\_\_\_\_



## **TRINIDAD TOWN HALL CLEAN-UP CHECKLIST**

### ***Town Hall and Stage***

- Sweep floor.
- Mop up any food or drink spills.
- Return chairs and tables to original location.
- Return remaining furniture to original location.
- Empty and dispose of all trash.
- Empty and dispose of all recyclables.
- Pick up any litter generated by the event.
- Remove all decorations, banners, posters, crepe paper, etc.
- Flush toilets and empty trash in restrooms.
- Turn out lights.
- Turn off heat.
- Close all windows.
- Lock all doors.
- Lock trash dumpster when finished.

## **TRINIDAD TOWN HALL FACILITY RENTAL & USAGE RULES**

1. DO treat Town Hall with respect.
2. DO use hooks provided at corners of windows and doors to hang decorations.
3. DO use recycling bins for aluminum cans, glass bottles & plastic bottles.
4. DO use outside receptacles for cigarettes/butts.
5. DO treat all provided furniture, equipment, etc, so as to preserve its appearance and useful life.
6. DO clean up Town Hall at the end of your event – LEAVE TOWN HALL AS YOU FOUND IT.
7. DO NOT use tape, nails, or staples on stage, doors, walls, windows or ceiling to hang decorations (USE hooks provided at top corners of windows and doors).
8. DO NOT hang decorations or other items from glass light fixtures.
9. DO NOT throw recyclables into trash bins. Use recycling bins provided.
10. DO NOT throw hot barbeque charcoals into dumpster.
11. DO NOT play, move or unplug Steinway piano without prior permission from the Civic Club.
12. DO NOT use Redwood serving bar outdoors. It is for indoor use only.
13. DO NOT throw cigarettes/butts on the ground. Use outside receptacles.

**Note:** *Because Trinidad Public Works employees regularly clean Town Hall, they are familiar with the condition of the facility before it is rented out. If you believe certain damage to Town Hall existed prior to your rental, please contact the City Clerk at 707-677-0223 to address your concerns.*



## DISCUSSION AGENDA ITEM 2

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 13 PAGES**

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2. Verizon Presentation and Reconsideration of Terminating the Trinidad Head Cellular Communication Lease.



**TRINIDAD CITY COUNCIL**  
**DISCUSSION / ACTION AGENDA ITEM**



Wednesday March 28<sup>th</sup> 2018

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**Item: Verizon Presentation and Reconsideration of Terminating the Trinidad Head Cellular Communications Lease**

**Background:**

Last May the Council considered what to do with the expiring lease for the cellular communications facility on Trinidad Head. (See attached May 10<sup>th</sup> 2017 staff report) At that time the lessee, Verizon, indicated that it no longer needed the site to provide adequate cellular coverage for the Trinidad Area. AT&T and Sprint, who sublease space at the site from Verizon, stated that their customers would be significantly affected. The Council decided to extend the lease for one year, and to terminate the lease as of September 2018.

Verizon has since contacted the City requesting that the City reconsider terminating the lease. They are now saying that they do not have adequate replacement coverage for the site, and their cellular coverage in the greater Trinidad area will be significantly affected by the site's removal.

Staff have asked Verizon for coverage maps, test results, and other factual data to support their assertion that removal of the site would negatively affect Trinidad area residents. Verizon will be making a presentation at the meeting and have provided a draft of that presentation which is attached to this staff report.

**Discussion:**

The following discussion should be read as an update to the attached May 10<sup>th</sup> 2017 staff report.

**Zoning/Permitting**

A new cellular facility could not be permitted on Trinidad Head due to the Open Space zoning and the terms of the land transfer from the federal government. However the existing non-conforming use can be continued indefinitely, including repair, maintenance, and replacement, so long as the degree of non-conformity is not expanded. Staff believe the lease could be modified and extended without new permitting.

### **Coverage**

Staff see loss of cell phone coverage as a significant concern for commerce, safety, and convenience of residents and visitors. Functional cellphone coverage is becoming more and more like a modern (private) utility that people rely on, including many who may no longer have 'landlines' at all. While it is not the City's responsibility to ensure cellular coverage in the area, this lease issue is a discretionary decision by the City that could result in a significant coverage loss for City and area residents.

Public information about coverage is limited. Staff have requested detailed information prior to the May 2017 meeting and this meeting, and have received limited and largely qualitative information. The attached draft presentation is basically the extent of information provided to date. It seems to show that during a 'test run' last November, turning off the Trinidad Head site had a dramatic effect on coverage for Verizon customers.

### **Lease Value**

The City currently receives a total of about \$26,000 annually for the lease. Staff expect that amount would increase significantly (by a factor of 2 to 4, i.e. \$50K to 100K) under a renegotiated lease, but have not pursued detailed real estate negotiations based on the prior decision to terminate.

### **City Council Options**

The Council has a range of options

- 1) Affirm the 2017 decision to terminate the lease in September 2018
- 2) Consider another short-term extension (1-3 years) to provide additional time for the cellular companies to develop alternative facilities
- 3) Consider a longer-term renewal of the lease.

If the Council opts to pursue either a short or long-term extension of the lease beyond this September, the next step would be real estate negotiations on the terms of the lease.

A draft lease would then return to Council for consideration.

### **Staff Recommendation**

*Receive Verizon presentation*  
*Receive public comment*

*If the Council is interested in any further extension of the lease, designate the City Manager and up to two Council members to be the real estate negotiators for the lease.*

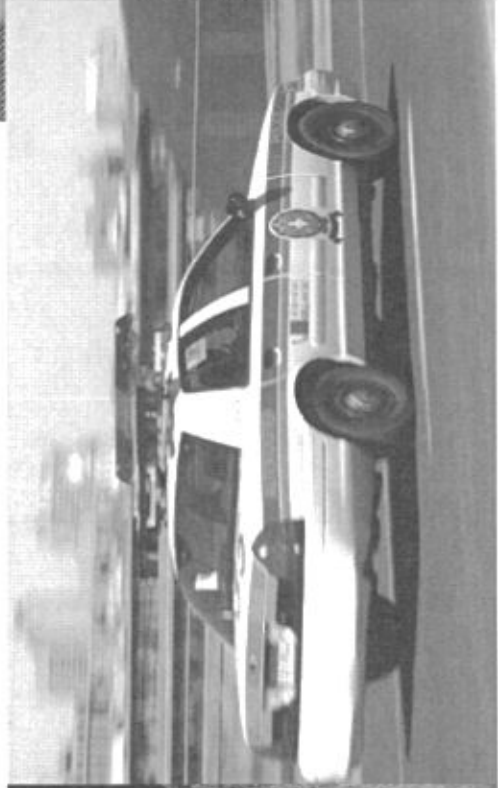
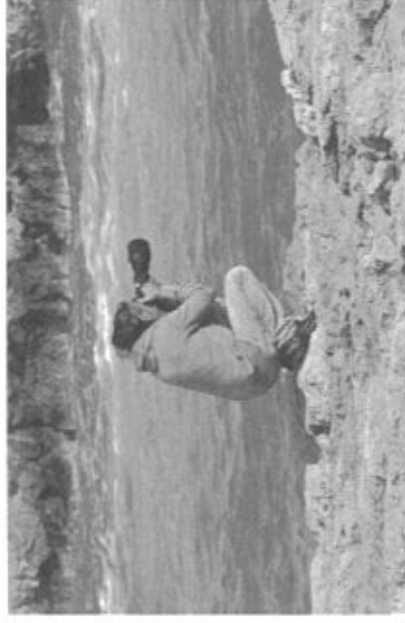
# Trinidad Head March 28, 2018

Verizon Wireless  
Lease Renewal

PUBLIC



SAFETY

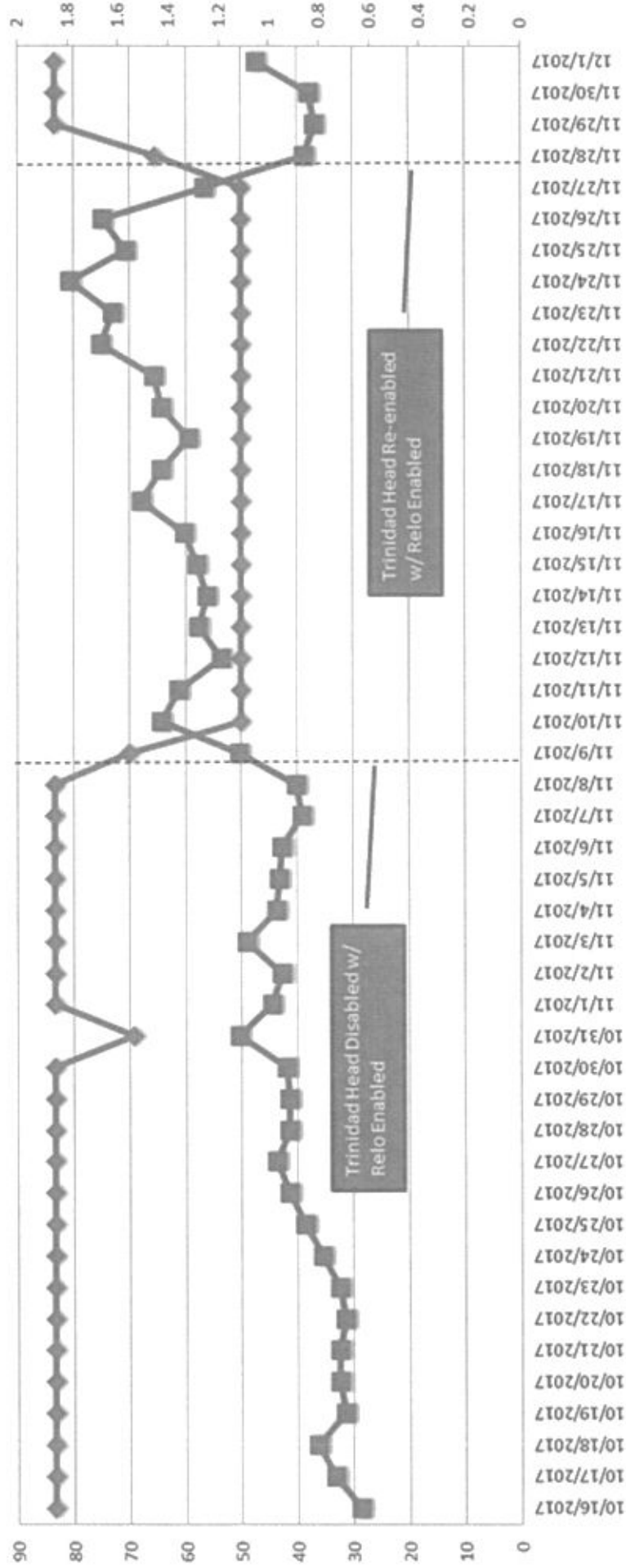


# Trinidad Head Disabled

November 9, 2017- November 28, 2017

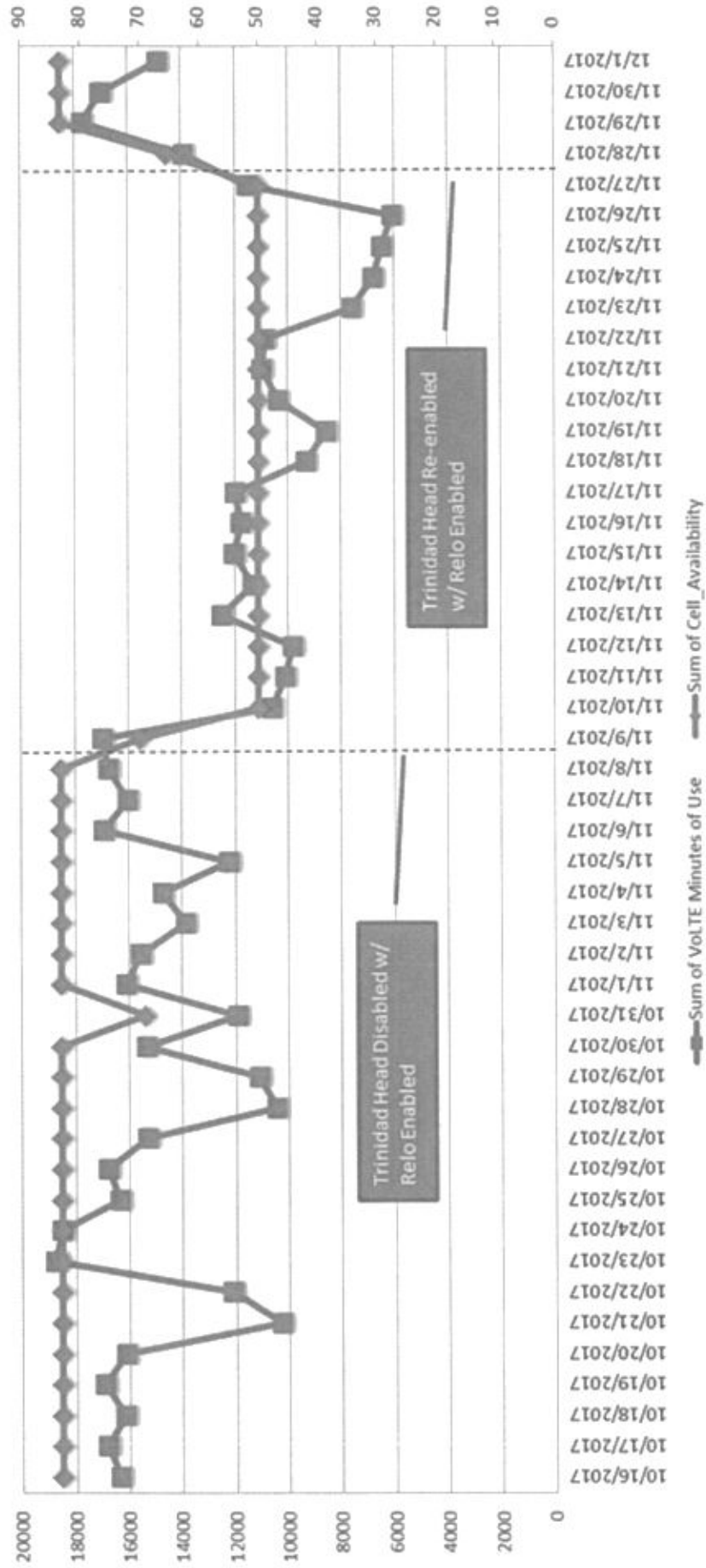
# Dropped Calls

Trinidad Call Drop Rate %



# Minutes of Use

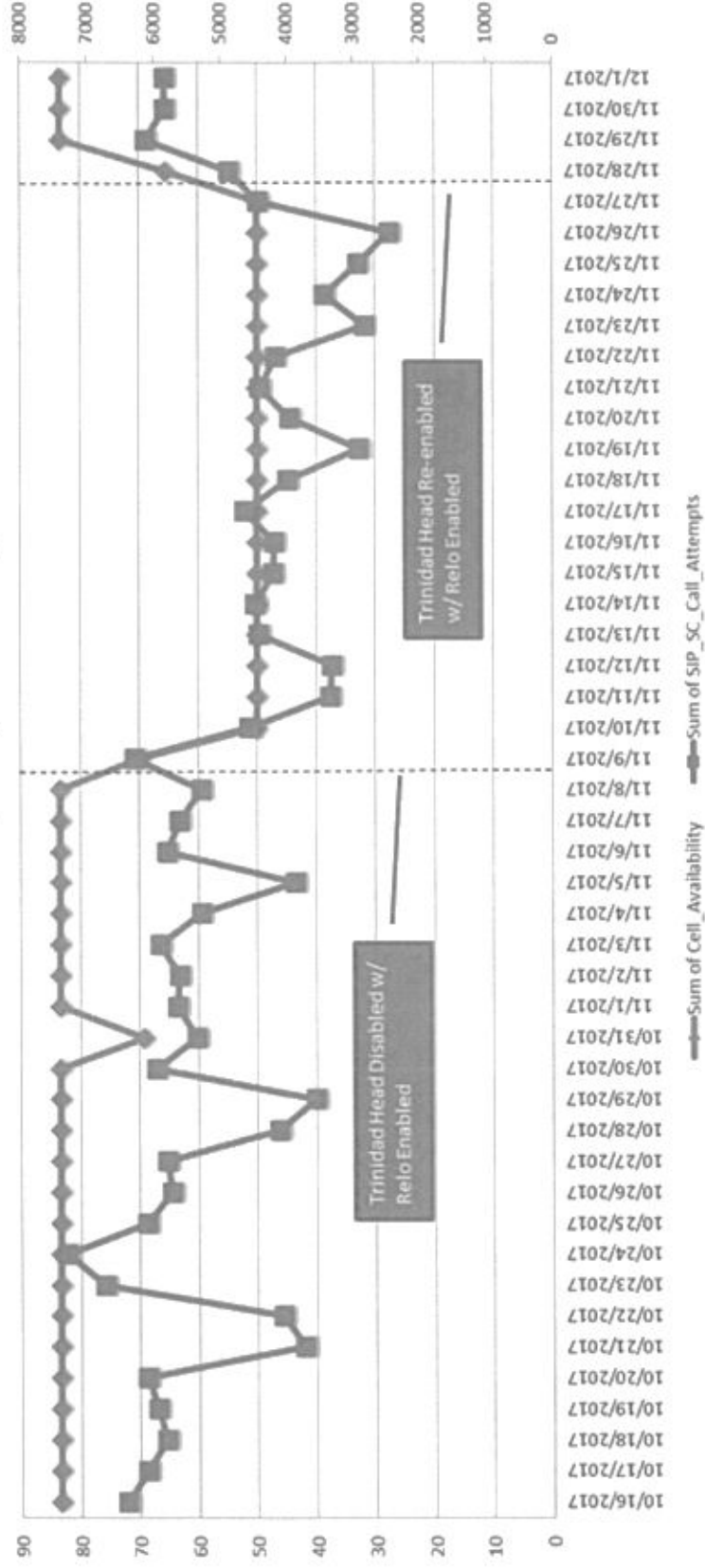
## Trinidad VoLTE (Voice) Minutes of Use





# Call Attempts

## Trinidad VoLTE (Voice) Call Attempts



## **ACTION AGENDA ITEM**

**Wednesday, May 10<sup>th</sup>, 2017**

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### **Item: Trinidad Head Cell Tower Lease**

#### **Background**

When the City of Trinidad was given ownership of approximately 46 acres on Trinidad Head by the federal government in 1983, the granted property included a cable TV communications facility near the top of the Head. Trinidad Head is in the City's Open Space zoning, and the City's receipt of the property came with condition from the federal government that it be used for public recreation. However because it was already in place upon the City's receipt of the land, the cable facility was considered a legal non-conforming use. That use, with lease rent to the City, continued into the 1990's. In 1997, with the cable company no longer interested in the site, the City of Trinidad entered into a 20 year lease for cellular communication facilities on the site. The cable dish on site was replaced with two poles, with cellular antennae affixed. The end date of that 20 year lease is now approaching.

#### **The Lease Agreement:**

The copy of the lease that the City has had on file, which has been referenced repeatedly in past decisions and discussions about this issue, was an unsigned draft dated April 1997. The City has recently obtained a final signed version of the lease from the current lessee (attached). This final lease agreement:

- a) Was signed in August of 1997, with an effective start date of September 1<sup>st</sup>, 1997, therefore the 20 year lease term ends on Sep 1<sup>st</sup> 2017;
- b) Provides that the City can terminate the lease by providing notice of its intent to do so within 90 days of the lease termination date, i.e. by June 1<sup>st</sup> 2017
- c) If notice is not provided by June 1<sup>st</sup>, the lease is automatically extended for one additional year.
- d) Note that the option to extend the lease by five years, which is present in the draft lease, was removed from the final signed lease. Staff found corresponding May 1997 Council meeting minutes documenting the decision to remove that term from the lease.

Approval of the 1997 lease appears to have been non-controversial at the time. However, when a permit to modify the site was considered in 2006-7, there was vocal opposition, including an appeal to the Coastal Commission of the City's permit approval. Coastal Commission staff recommended denial, and the applicant withdrew the project. Since that time, the City has allowed some small modifications to equipment on site, with review by Coastal Commission staff to establish concurrence that these modifications have not required a new Coastal Development Permit.

#### **Carriers and Coverage:**

The City's lease is with Verizon. Verizon subleases to two other mobile providers: Sprint and AT&T. City Staff have notified all three carriers of the current lease situation, and asked them to describe the impacts to their coverage if the site was to be removed. The City Council previously (2012) sent a letter to Verizon notifying them that the City may end the lease when it is able.

Verizon has indicated they are prepared to give up the Trinidad Head Site. They have built alternative coverage, including a large tower that recently went up at the rock Quarry above the City. They have not provided any coverage map of the effect of removing the Trinidad Head site.

The other two carriers are very concerned. Sprint says the loss of the Trinidad Head tower would basically eliminate coverage for their customers north of the Little River, as Trinidad Head is their only tower north of McKinleyville. AT&T has provided less detailed information, but also indicated that their coverage and customers would be seriously affected in the greater Trinidad area. Sprint indicated that it would take them 12-18 months to develop an alternative site.

**Interest in Continuing Use:**

Sprint and AT&T have expressed interest in continuing their existing use under a new agreement and payment arrangement with the City. They have also requested that if the City decides to remove the site completely, the City consider extending the lease for one additional year to provide them time to develop alternative coverage.

The City has also received one preliminary statement of interest from another party who would like to continue the existing use of the site under a new lease from the City. That interest is conditioned on minimal changes to the facility so as not to require a new Coastal Development Permit.

The City currently receives approximately \$25,000 per year in lease payments for the site. Staff expect that number would increase under a new arrangement, but no negotiations have occurred. Staff see continuation of use as feasible only if it can be done with basically no changes to the site.

**Key Issues:**

**Zoning** - Removal of the facility would be consistent with the Open Space Zoning. There is no requirement to remove a non-conforming use, and non-conforming uses generally can be altered, repaired, and extended, but cannot be made 'more non-conforming'.

**Visual Resources** - Removal would improve visual resources somewhat. The cell site is visible, more so from off the Head than from the trails on the Head. But the site is one of several similar structures in view - the power poles and lines climbing the Head, and the radio tower and atmospheric monitoring equipment on federal property adjacent to the cell site, will remain.

**Coverage Loss/Public Safety** - This location has exceptional line-of-sight coverage for the greater Trinidad area, including on local beaches and at sea. Removal will (per carrier's report) dramatically affect cell phone coverage for Sprint and AT&T customers, whether resident or visitors. This is a public safety as well as a convenience issue.

**Revenue** - The City has been receiving approximately \$25,000 per year from leasing the site; staff expects that a continuation of existing use would generate at least that much going forward. This is about 5% of our General Fund Revenue (excluding grants).

**Permitting Challenges**- Continuing use through any new lease arrangement would be controversial. Staff expect any change on site that requires a permit to be appealed to the Coastal Commission, and expects Commission staff to recommend denial. Minor repairs and maintenance of existing structures, including like-for-like replacement of components, typically does not require a new permit, but staff expect any such proposal would be viewed skeptically by Commission Staff.

**Public Input** -Prior public comments have included arguments both for and against removal. A previous City Council sent a letter to Verizon indicating their intent to remove the towers at this point. The Trinidad Head Study Committee Final Report recommended removal, as have the Yurok Tribe. In recent conversations staff have heard from Volunteer Fire Department staff (speaking as individuals) and local fisherman concerned about loss of coverage

Staff see the following options for Council to consider, with brief pros and cons of each:

- 1) **End the Cell Tower Use this fall.** Notify Verizon and the other carriers that we are terminating the lease with no intent to continue use. Verizon is responsible for removing the equipment, and it should be gone by Sep 1<sup>st</sup> according to the lease. This decision would need to be made prior to June 1<sup>st</sup>.

Pros: Removes a non-conforming commercial use from Open Space Zoning. Improves visual resources on Trinidad Head, avoids permit fights.

Cons: Dramatic coverage loss for Sprint and AT&T customers; City foregoes ongoing General Fund Revenue

- 2) **Extend the current lease for one year with intent to terminate in 2018.**

Pros and Cons - as with immediate removal above, except this avoids abrupt coverage loss for AT&T and Sprint, assuming they can find alternative options. Other benefits are delayed one year.

- 3) **Extend the current lease for one year and explore negotiations with parties interested in continuing use**

Pros -Gain more information on possible revenue, no permit challenge to a one year extension of existing use, No impact on coverage/public safety or City revenue next year. Option of terminating facility still available.

Cons: (if new lease) No change to non-conforming use and visual impacts, permitting challenges.

**Staff Recommendation:**

Staff recommend that the Council: a) extend the lease for one year. b) negotiate over the next few months with parties interested in leasing the site, and c) decide before September 2017 whether to enter into a new lease, or eliminate the site in September 2018, so that carriers can adjust accordingly.

**Attachments:**

**Signed 1997 Cell Tower Lease**